

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE JUL 13 2007

In re Application of:
MIDDLETON, David Grant

Based on International Application No.

Serial No. 10/790,691

Confirmation No. 2309

Filed: 3 March 2004

Title: SCREENING APPARATUS

Group Art Unit: 1724

Examiner: POPOVICS, Robert J

Atty. Dkt. No.: 07045.0002.00US00

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office at telephone
number 571-273-8300 on

Date: 13 July 2007 Signature: 

Simon NOKE

INTRODUCTORY COMMENTS

Sir:

The Office Action Summary lists Claims 1, 2, 4-11 and 14-26 as pending in the application. Applicant respectfully points out the Claim 12 is also still pending in the application. This is impliedly acknowledged by the Examiner in the Detailed Action, which lists Claim 12 as one of the claims relating to Invention II.

Traverse of Restriction Requirement

According to the Examiner Claims 1, 2, 4-11 and 24-26 are drawn to a Screening Apparatus, identified as Invention I, and Claims 12 and 14-23 to a Method of Screening Sewage, identified as Invention II.

Part of the basis for the restriction requirement is the premise that "the apparatus as claimed can be used to practice another and materially different process, such as, the processing of a

pharmaceutical slurry/composition, or the treatment of cooling water at a plant intake." This premise is clearly incorrect.

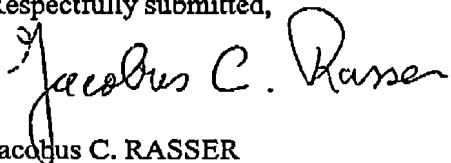
Claim 1 as amended defines a moving screen band having a first portion and a second portion, and requires that both the first portion and the second portion are arranged to filter debris from sewage when both portions are submerged. Clearly, the device claimed in Claim 1 can not be used in a materially different process such as the processing of a pharmaceutical slurry/composition, because the claim requires a moving screen band arranged to filter debris from sewage.

Applicant respectfully requests that the restriction requirement be reconsidered and withdrawn.

Election with Traverse

In order to be fully responsive to the Office Action, Applicant elects Invention I. Within Invention I, Applicant elects System Species 1, and Cleaner Species 1.

Respectfully submitted,



Jacobus C. RASSER

Reg. No. 37,043

Date: 07/13/07

Customer No. 32,894

Howrey LLP

2941 Fairview Park Drive, Suite 200

Falls Church, VA 22042

Fax: 202 383-7195

Tel: 9-011-31-20-592-4411